

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

AUGUST 20, 2008

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION MEETING CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL

Councilmembers present:	Winter, McLean, Bragg
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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CLOSED SESSION

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:

THREAT TO PUBLIC SERVICES OR FACILITIES

Pursuant to Government Code Section 54957

Consultation with San Diego County Sheriff's Captain Miller and City of Imperial Beach
Public Safety Director Sotelo

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Name of Case: Nadine G. Braudaway vs. City of Imperial Beach

Case No. 37-2007-00076449-CU-EI-SC

CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)

Number of potential cases: 1

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had nothing to report.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present:	Winter, McLean, Bragg
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

COUNCILMEMBER BRAGG announced that she had a potential conflict of interest on Item No. 6.1 due to her place of employment and requested that the item be moved to the end of the agenda.

MOTION BY MCLEAN, SECOND BY WINTER, TO MOVE ITEM NO. 6.1 – SEACOAST INN UPDATE TO THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

MOTION BY MCCOY, SECOND BY WINTER, TO TAKE ITEM NO. 6.4 – APPOINTMENT OF IMPERIAL BEACH REPRESENTATIVE TO THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE IMMEDIATELY AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE & COMMUNITY ANNOUNCEMENTS

In accordance with AB 1234, COUNCILMEMBER WINTER announced attendance at the League of California Cities Legislative Action Committee and Executive Committee meetings on August 11.

COUNCILMEMBER MCLEAN called for volunteers to assist with the Chamber of Commerce upcoming triathlon/duathlon; and he announced Bike the Bay is scheduled for September 7.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

JUNE ENGLE, new I.B. Library Branch Manager, introduced herself and requested Council volunteer to be judges at the Teen Advisory Group (TAG) Costume Contest in October.

ALBERT KNECHT requested a response to his request for cement to complete the sidewalk/driveway in front of his house; he questioned the City Attorney if there were a statute of limitation for fraud.

CITY MANAGER BROWN stated that he sent a letter to Mr. Knecht in response to his initial request for concrete stating that the request was not in accord with the settlement approved by the court; the City Attorney generated a similar response to Mr. Knecht's second request; he summarized that Mr. Knecht can obtain and receive a permit for construction and building of his driveway entrance at no cost, the City is not to build it, and the City paid Mr. Knecht \$20,000 for the damage to one tree; the bottom line is that the City does not have to provide the materials requested by Mr. Knecht.

CITY ATTORNEY LOUGH stated that the City has upheld the court's decision; Mr. Knecht can go back to court to ask for an interpretation.

PRESENTATIONS (1.1 - 1.4)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY presented the Recycle All-Star Award Certificate and used oil-recycling premiums to Eleanor Teagle.

MARCO TOPETE, of EDCO, presented the \$100.00 check to Ms. Teagle.

1.2 PRESENTATION OF PROCLAMATION TO GAIDI FINNIE IN RECOGNITION OF SERVICE ON THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE. (0150-70)

CITY COUNCIL thanked Gaidi Finnie for his years of service to the community.

DIANE ROSE, former Mayor, thanked Gaidi Finnie for his years of service to the community.

MAYOR JANNEY presented a proclamation to Gaidi Finnie for his service on the Port of San Diego's Public Art Committee.

GAIDI FINNIE gave a PowerPoint presentation on the "One with the Wave" art piece that has been donated to the City.

MAYOR JANNEY called a recess at 6:20 p.m. and reconvened the meeting to Open Session at 6:26 p.m.

1.3 PRESENTATION BY DR. CAROL PARISH, SUPERINTENDENT AND SCOTT BUXBAUM, ASST. SUPERINTENDENT OF BUSINESS OF SOUTH BAY UNION SCHOOL DISTRICT – PROPOSITION X THE SOUTH BAY UNION SCHOOL DISTRICT GENERAL OBLIGATION BOND OF 2008. (0460-20 & 1010-20)

DR. CAROL PARISH, Superintendent of South Bay Union School District, introduced the item and requested Council's support of the resolution.

SCOTT BUXBAUM, Assistant Superintendent, gave a PowerPoint presentation regarding Proposition X; he noted that the district ranks at the bottom for bond dollar passed per student; he spoke of the need to improve facilities and due to age, bring them up to today's standards and up to others in California, and ensure functionality for future generations; he indicated that Proposition X is a general obligation bond for \$59.4 million, it needs 55% approval to pass, the cost would be \$30 per year per \$100,000 of assessed valuation, and an independent citizens' oversight committee would be established to ensure the funds are properly spent.

1.4 PRESENTATION BY BRIDGETT REID, PORT OF SAN DIEGO, ENGINEER – PIER INSPECTION RESULTS. (0150-70 & 0920-20)

BRIDGETT REID, Associate Engineer of the Port of San Diego, introduced the item.

MATTHEW MARTINEZ, of Blaylock Engineering Group, gave a PowerPoint presentation on the inspection, assessment and the planned repair project for the Imperial Beach fishing pier; he responded to concerns raised regarding the two-inch forced main and whether it is sufficient for future usage (not just meeting today's capacity but extra capacity for future use); he commented the boat landing would be refurbished.

MAHMOUD AKHAVAIN, Manager in the Engineering/Construction Department at the Port of San Diego; added that the refurbishment and maintenance of the boat landing has been included in the program; the refurbishment would include replacement of 20% of the planks (approximately 1 in 5 planks) and replacement of the four-inch gravity line; he noted that during construction, they would try to minimize interruptions and keep the pier open at all times; he reported that \$1.1 million was budgeted for the repairs and soft costs; however, the cost will actually be closer to \$1.6 million. Port staff will try to find additional funding.

PORT CHAIRMAN BIXLER stated the repair and maintenance of the pier is under the Port's capital asset budget; the budget for the service contract with the City is handled under a different budget.

CONSENT CALENDAR (2.1 - 2.3)

A revised staff report and resolution were submitted as Last Minute Agenda Information for Item No. 2.2.

COUNCILMEMBER WINTER announced she had a potential conflict of interest on Item No. 2.2 due to her place of employment.

MOTION BY MCLEAN, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 AND 2.3. MOTION CARRIED UNANIMOUSLY.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 66850 through 66935 with the subtotal amount of \$383,929.72; and Payroll Checks 39988 through 40052 for the pay period ending 07/31/08 with the subtotal amount of \$162,107.07; for a total amount of \$546,036.79.

2.3 RESOLUTION NO. 2008-6670 – SUPPORTING PROPOSITION X – THE SOUTH BAY UNION SCHOOL DISTRICT GENERAL OBLIGATION BOND OF 2008. (0460-20 & 1010-20)

Adopted resolution.

WITH REGARD TO CONSENT CALENDAR ITEM NO. 2.2, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, BRAGG, MCCOY, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	WINTER (DUE TO A POTENTIAL CONFLICT OF INTEREST)

2.2 RESOLUTION NO. 2008-6668 – REQUESTING A LETTER OF AUTHORIZATION FOR THE SOUTHWEST WETLANDS INTERPRETIVE ASSOCIATION'S (SWIA) 2008 GRANT APPLICATION FOR THE WEST COAST ESTUARIES INITIATIVE FOR THE CALIFORNIA COAST. (0150-40)

Adopted resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

REPORTS (6.4)

6.4 APPOINTMENT OF IMPERIAL BEACH REPRESENTATIVE TO THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE. (0150-70)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY recommendation the nomination of Eugene Kocherga for appointment.

PORT CHAIRMAN BIXLER supported the Mayor's recommendation.

MOTION BY MCLEAN, SECOND BY BRAGG, TO RECOMMEND THE NOMINATION OF EUGENE KOCHERGA AS THE NEW IMPERIAL BEACH REPRESENTATIVE TO FILL A THREE-YEAR TERM ON THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 DISCUSSION ON PET CHICKENS AND THE INTRODUCTION AND FIRST READING OF PROPOSED ORDINANCE NO. 2008-1074 AMENDING SECTIONS 19.04.415 OF THE ZONING ORDINANCE CHANGING THE DEFINITION OF “HOUSEHOLD PETS” AND AMENDING CHAPTER 6.04 OF THE ANIMALS ORDINANCE ALLOWING HEN CHICKENS WITH RESTRICTIONS AMENDING SECTIONS 6.04.020, 6.04.030, AND 6.04.130 AND ADDING SECTION 6.04.035. (0200-95)

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a PowerPoint presentation on the item.

MIKE MCCOY spoke in support of the ordinance and recommended no more than three and no less than two chickens.

CHRIS REDNER spoke in opposition to the ordinance.

MIKE BIXLER spoke in opposition to the ordinance.

MAYOR PRO TEM MCCOY AND COUNCILMEMBERS BRAGG AND WINTER spoke in support of the ordinance.

MAYOR JANNEY AND COUNCILMEMBER MCLEAN spoke in opposition to the ordinance.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1074.

CITY CLERK HALD read the title of Ordinance No. 2008-1074, an Ordinance of the City Council of the City of Imperial Beach, California, amending Section 19.04.415 of the Zoning Ordinance, changing the definition of “Household Pets,” amending Chapter 6.04 of the Animals Ordinance, allowing hen chickens with restrictions by amending Sections 6.04.020, 6.04.030, and 6.04.130 and adding Section 6.04.035.

COUNCILMEMBER WINTER supported limiting the number of chickens to a maximum of three.

COUNCILMEMBER BRAGG spoke about the need to be a responsible pet owner.

MAYOR PRO TEM MCCOY supported limiting the number of chickens to a maximum of three.

COMMUNITY DEVELOPMENT DIRECTOR WADE clarified that in the draft ordinance chickens would only be allowed in the R-1-6000 zone on lots of 5,000 square feet or greater; there are no regulations that require chickens to be vaccinated and there is nothing specific to preclude the slaughtering of chickens, although it may be regulated by the State.

COUNCILMEMBER WINTER requested that vaccinations be required.

CITY ATTORNEY LOUGH stated that an ordinance with modifications pertaining to slaughtering and vaccinating of chickens would be brought forward at a later date.

MOTION BY MCCOY, SECOND BY BRAGG, TO DISPENSE THE FIRST READING OF ORDINANCE NO. 2008-1074. MOTION CARRIED UNANIMOUSLY.

MOTION BY MCCOY, SECOND BY WINTER, TO AMEND ORDINANCE NO. 2008-1074 UNDER SECTION 6.04.035(A)1 "A MAXIMUM OF THREE (3) HEN CHICKENS...", SET THE MATTER FOR ADOPTION AT THE REGULAR CITY COUNCIL MEETING OF OCTOBER 15, 2008, AND APPROVE THE AMENDMENTS; AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	WINTER, BRAGG, MCCOY
NOES:	COUNCILMEMBERS:	MCLEAN, JANNEY
ABSENT:	COUNCILMEMBERS:	NONE

PUBLIC HEARINGS (5.1)

5.1 JIM KENNEDY, PARSONS CORP. FOR T-MOBILE (APPLICANT)/PREBYS CONRAD TRUST (OWNER); CONDITIONAL USE PERMIT (CUP 070079), DESIGN REVIEW CASE (070080), AND SITE PLAN REVIEW (SPR 070081) TO INSTALL A TELECOMMUNICATIONS FACILITY ON A MULTI-FAMILY RESIDENTIAL APARTMENT BUILDING LOCATED AT 1471 GROVE AVENUE IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 961. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded to Council's concerns regarding location of the facility and compliance with FCC regulations.

CITY ATTORNEY LOUGH noted that this item resolves a significant gap of coverage and he can bring back an ordinance amendment to require applicants to provide detail in the gap of coverage issues.

COUNCILMEMBER WINTER expressed concern about the proliferation of facilities and submitted for the record a document entitled, "Towers and Wireless Facilities – What Communities Should Control"; she requested that all the items on the list be considered.

JIM KENNEDY, representing T-Mobile, reported on how this particular location was selected and the architectural design; he noted that each wireless carrier operates with its own license and endeavors to bring its network to municipalities; there is a limited number of carriers so the City should not see an endless proliferation of facilities; the facilities are becoming data hubs for wireless facilities which is the next wave of technology; he responded to questions regarding co-location; the system to be installed will be compliant with the e-911 Federal mandate; there are a couple more projects that will be brought forward for City Council's review in the near future.

MAYOR PRO TEM MCCOY also spoke in support of an ordinance amendment to control the proliferation of the facilities.

MAYOR JANNEY closed the public hearing.

MOTION BY WINTER, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6666, APPROVING CONDITIONAL USE PERMIT (CUP 070079), DESIGN REVIEW CASE (070080), AND SITE PLAN REVIEW (SPR 070081), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

5.2 JIM KENNEDY, PARSONS CORP. FOR T-MOBILE (APPLICANT)/CHINO INDUSTRIAL PARK (OWNER); REGULAR COASTAL PERMIT (CP 070085), CONDITIONAL USE PERMIT (CUP 070086), DESIGN REVIEW CASE (DRC 070087), AND SITE PLAN REVIEW (SPR 070088) TO INSTALL A TELECOMMUNICATIONS FACILITY ON A BROADLEAF FAUX TREE STRUCTURE LOCATED AT 750 13th STREET IN THE C-1 (GENERAL COMMERCIAL) ZONE. MF 963. (0600-20)

MAYOR JANNEY declared the public hearing open.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2008-6667, APPROVING REGULAR COASTAL PERMIT (CP 070085), CONDITIONAL USE PERMIT (CUP 070086), DESIGN REVIEW CASE (DRC 070087), AND SITE PLAN REVIEW (SPR 070088), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.2 - 6.3 & 6.5 - 6.7)

6.2 STATE BUDGET. (0150-30 & 0460-20)

CITY MANAGER BROWN reported on the item; he noted the State is attempting to balance their budget on the backs of local governments; he announced that at 5:32 p.m. tonight, the Governor proposed that 5% of the RDA tax increment money be shifted to Educational Revenue Augmentation Fund (ERAF); the proposal does not borrow from Prop 1A property tax nor does it borrow from Prop 42 transportation funds.

MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6669, OPPOSING FISCALLY IRRESPONSIBLE STATE BUDGET DECISIONS THAT WOULD "BORROW" LOCAL GOVERNMENT, REDEVELOPMENT AND TRANSPORTATION FUNDS.

Council discussion ensued regarding how or if the money would be paid back and issues regarding future bonding.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6669, OPPOSING FISCALLY IRRESPONSIBLE STATE BUDGET DECISIONS THAT WOULD "BORROW" LOCAL GOVERNMENT, REDEVELOPMENT AND TRANSPORTATION FUNDS. MOTION CARRIED UNANIMOUSLY.

6.3 DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 24-27. (0140-10)

CITY MANAGER BROWN introduced the item.

MOTION BY MCCOY, SECOND BY MCLEAN, TO DESIGNATE COUNCILMEMBER WINTER AS VOTING DELEGATE AND COUNCILMEMBER MCLEAN AS VOTING ALTERNATE FOR THE 2008 LEAGUE ANNUAL CONFERENCE. MOTION CARRIED UNANIMOUSLY.

6.5 CITY COUNCIL PROCEDURES (ORDINANCE NO. 2008-1073): DISCUSSION RE: SETTING PUBLIC SPEAKING TIME LIMITS. (0410-95)

CITY MANAGER BROWN introduced the item and a memorandum written by him was submitted as Last Minute Agenda Information; he reported that, in summary, the Mayor can designate time for speakers and Council can give a speaker more or less time by a majority vote.

Consensus of City Council to have the City Attorney bring the item back for City Council's review.

6.1 SEACOAST INN UPDATE. (0660-43)

COUNCILMEMBER BRAGG had a potential conflict of interest on the item as her place of employment is within 500 feet of the project, and she left Council Chambers at 8:52 p.m.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported that an all-hands meeting was recently held to facilitate the construction document preparation phase of the project, which will hopefully decrease the amount of time City staff would have to review the permit submittal, decrease the amount of time for subsequent plan checks, and also expedite the building permit issuance process; additional meetings would take place at the 50% and 90% construction document phases; an updated schedule was received today and noted that demolition of the existing hotel will not take place by the end of the year as anticipated but rather by February 16, 2009.

MAYOR JANNEY expressed extreme disappointment with the change in demolition date from October 2008 to February 2009. He insisted that Mr. Israni give him a call within 24 hours.

ALLISON ROLFE, Project Manager for Pacifica, responded that the delay was due to contract negotiation problems but affirmed that she would do everything in her power to keep everyone to the new schedule; the delay would not affect the grand opening date of April 2010; she also added that, due to financial reasons, it made sense to keep the hotel operational through December.

MAYOR/COUNCIL REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER WINTER reported on the last Metro Commission meeting; she expressed concern about proposed changes to the California State Ocean Plan that could affect the Commission's eligibility for a waiver; she noted that she can get a hold of someone to give a presentation on smart water technology; and she reported that a new source of water under the City of San Diego is being explored.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 9:19 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk